

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *cg* D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
MEMPHIS

ELAINE L. CHAO, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

J. PICKETT ENTERPRISES, LLC,  
and PAUL PICKETT, Individually

Defendants

)  
)  
) CIVIL ACTION  
)  
) FILE NO. 04-2867 D  
)  
)  
)  
)  
)  
)

**JUDGMENT**

This cause came on for consideration upon Plaintiff's motion and Defendants J.

Pickett Enterprises, LLC and Paul Pickett's consent to the entry of this Judgment, without further contest. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants J. Pickett Enterprises, LLC and Paul Pickett, their agents, servants, employees and all persons in active concert or participation with them who receive actual notice hereof are permanently enjoined from violating the provisions of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

They shall not, contrary to §§ 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2), employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for more than 40 hours in a workweek unless such employee is compensated for such hours in excess of 40 at an overtime rate of at least one and one-half times the regular rate at which such employee is employed.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on *11/10/05*

*17*

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants J. Pickett Enterprises, LLC and Paul Pickett hereby are restrained from withholding payment of back wages in the total amount of \$48,073.06 due employees for the periods of employment and in the amounts indicated with respect to each, as set forth on Schedule "A" attached hereto. The private rights, under the Act, of any employee of Defendants J. Pickett Enterprises, LLC and Paul Pickett not named or for periods not stated in said Schedule "A" shall not be terminated or otherwise adversely affected by this proceeding.

To comply with this provision of this Judgment Defendants J. Pickett Enterprises, LLC and Paul Pickett shall deliver to the Plaintiff separate cashier's or certified checks, or money orders payable to "Wage and Hour Division--Labor" in 24 installments. Defendants J. Pickett Enterprises, LLC and Paul Pickett shall pay 23 equal payments of \$2,000 and one final payment of \$2,073.06. The first payment of \$2000 shall be due 30 days after the entry of this Judgment and such payments shall continue to be made every 30 days thereafter until all 24 payments have been made.

Defendants J. Pickett Enterprises, LLC and Paul Pickett also shall provide Plaintiff with a schedule showing their employer I.D. number and the last-known address and social security number as to each employee listed on Schedule "A".

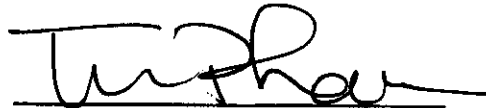
Plaintiff, thereupon, shall distribute the proceeds of such checks, less deductions for federal income taxes and employee contributions to F.I.C.A., as required by law, to the named employees, or to their personal representatives, and any amounts not so distributed by the Plaintiff within the period of three (3) years after date of this Judgment, because of inability to locate the proper persons or because of such persons' refusals to accept such sums, shall be deposited into the Treasury of the United States as miscellaneous receipts. Defendants J. Pickett

Enterprises, LLC and Paul Pickett shall remain responsible for the employer's share of F.I.C.A.

arising from or related to the back wages paid hereunder. It is


FURTHER ORDERED that each party shall bear such other of its own attorney's fees and expenses incurred by such party in connection with any stage of this case, including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

This 7 day of November, 2005.



TU M. PHAM  
UNITED STATES MAGISTRATE JUDGE

Defendants consent to entry  
of the foregoing Judgment:

  
PAUL PICKETT for  
J. Pickett Enterprises  
PAUL PICKETT, Individually  
By: JEFF WEINTRAUB  
Attorney  
BPR No. 9686

Weintraub, Stock & Grisham, P. C.  
1775 Aaron Brenner Drive  
Suite 512  
Renaissance Center  
Memphis, TN 38120  
(901) 526-0431

Attorney for Defendants

Plaintiff moves entry of  
the foregoing Judgment:

HOWARD M. RADZELY  
Solicitor of Labor  
BPR No. 437957

STANLEY E. KEEN  
Regional Solicitor  
BPR No. 410642

THERESA BALL  
Associate Regional Solicitor  
BPR No. 002526

  
By: MARYBETH ZAMER BERNUI  
Attorney  
BPR No. 1288

Office of the Solicitor  
U.S. Department of Labor  
618 Church Street  
Suite 230  
Nashville, Tennessee 37219  
(615) 781-5330, Ext. 238

Attorneys for Plaintiff

**ATTACHMENT A**

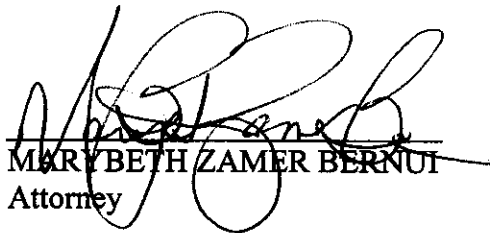
<b><u>Employee</u></b>	<b><u>Work Week Ending Dates</u></b>	<b><u>Backwage Amount</u></b>
Steve Capps	10/26/02-01/04/03	152.25
Shelton Cooper	05/17/03-01/17/04	1819.88
Joffrey Davis	10/26/02-01/17/04	5798.10
Pamela Davis	11/30/02-01/17/04	524.01
Charles Dixon	10/26/02-01/18/03	315.00
Jerry Ervin	10/26/02-10/11/03	3168.38
James A. Figg	10/26/02-08/16/03	1140.00
Donald Goforth	10/26/02-01/17/04	2586.28
Jennell Goforth	10/26/02-01/17/04	1716.75
Michael Goforth	10/26/02-01/17/04	267.47
William Goforth	10/26/02-01/17/04	5494.50
John Hassell	10/26/02-01/17/04	3824.72
Alfred Hicks	08/23/03-01/17/04	710.07
Douglas Hirsh	06/14/03-01/03/04	350.16
David Jenkins	10/26/02-11/09/02	24.00
Marcus Jones	10/26/02-01/04/03	342.00
Michelle Kelley	10/26/02-08/30/03	599.81
Jerry Key	10/26/02-07/05/03	1164.19
Todd Leslie	10/18/03-01/17/04	436.87
Debbie Mitchum	11/29/03-12/20/03	130.50
Otis Phillips	10/26/02-01/17/04	5372.63

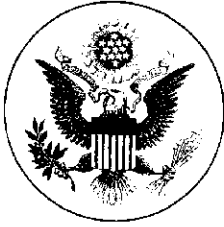
Shawn Randall	10/26/02-01/17/04	5563.90
Karen S. Sartain	10/26/02-01/17/04	509.06
Douglas Shaffer	10/26/02-01/17/04	2905.31
Fred Thompson	10/26/02-01/17/04	2490.47
Linda Wright	07/12/03-01/17/04	666.75

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Agreed Judgment was mailed this 2<sup>nd</sup>  
day of November, 2005, to the following:

Mr. Jeff Weintraub  
Attorney  
Weintraub, Stock & Grisham, P. C.  
1715 Aaron Brenner Drive, Suite 512  
Renaissance Center  
Memphis, Tennessee 38120

  
MARYBETH ZAMER BERNUI  
Attorney



## Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:04-CV-02867 was distributed by fax, mail, or direct printing on November 10, 2005 to the parties listed.

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D. Jack Smith  
LAW OFFICE OF D. JACK SMITH  
6077 Primacy Parkway  
Ste. 102  
Memphis, TN 38119

Marybeth Bernui  
DEPARTMENT OF LABOR  
618 Church Street, Suite 230  
Nashville, TN 37219--245

Honorable Tu Pham  
US DISTRICT COURT